

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

ROBERT MENENDEZ et al.,

Defendants.

Case No. S4 23-cr-490 (SHS)

**DECLARATION OF HENRY S. FINKELSTEIN IN SUPPORT OF
SENATOR ROBERT MENENDEZ’S SUPPLEMENTAL MOTION FOR VACATUR
AND A NEW TRIAL PURSUANT TO RULE 33**

I, Henry S. Finkelstein, declare as follows:

1. I am an attorney licensed to practice law before this Court. I am an Associate in the law firm of Paul Hastings LLP, counsel for Defendant Senator Robert Menendez in this matter. I make this Declaration in Support of Senator Menendez’s Supplemental Motion for Vacatur and a New Trial Pursuant to Rule 33. Unless otherwise stated, the following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. On the morning of Friday, July 12, 2024, I reviewed a laptop containing the set of exhibits to be provided to the jury (“Jury Laptop”). The review occurred in the unused jury room across from Judge Stein’s courtroom in the presence of two Department of Justice (“DOJ”) paralegals while Judge Stein read the jury charge. That unused jury room was often occupied throughout the trial by the prosecution team and their witnesses.

3. I spent approximately two and a half hours reviewing the contents of the Jury Laptop, checking the file names contained in the Jury Laptop against the file names contained in

the parties' agreed-upon admitted exhibit list to confirm that only those exhibits that had been admitted were loaded onto the Jury Laptop.

4. I opened a select number of exhibit files contained on the Jury Laptop to confirm the contents of the exhibits accurately matched the contents of the admitted exhibits. Because the laptop contained more than 2,800 admitted government exhibits, I did not have time to review the contents of all the exhibits on the Jury Laptop to confirm that they accurately matched the contents of the admitted exhibits. Instead, defense counsel relied on the government to provide an accurate copy of the admitted government exhibits.

5. The jury received the Jury Laptop on July 12, 2024 at approximately 2:00 pm EST, approximately four and a half hours after I first gained access to the Jury Laptop. Trial Tr. at 7164:3-8.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I executed this Declaration on November 27, 2024.

By: /s/ Henry S. Finkelstein

Henry S. Finkelstein